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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,026	05/24/2001	Jose F. Bravo	SOM920010002US1	2893

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EXAMINER	
NGUYEN, JOSEPH D	
ART UNIT	PAPER NUMBER
2683	5

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

Office Action Summary	Application No. 09/865,026	Applicant(s) BRAVO ET AL.	
	Examiner Joseph D Nguyen	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 May 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kenagy et al. (5,842,124).

Regarding claim 1, Kenagy et al. discloses a method for restricting access (control access) of a user to a restricted item (col. 10 line 34 thru col. 11 line10), said method comprising the steps of:

a) providing a token (Pseudo-random number) to said user using a first communication channel (when the user used cellular telephone to call the designated telephone number and the password supplied by the service provider, which means the service provider is providing the token to user and the call is on the first communication channel) (abstract, col. 10 line 34 thru col. 11 line 32);

b) instructing said user to enter said provided token using a cellular telephone that has been previously associated with said user (abstract, col. 10 line 34 thru col. 11 line 32); and

c) providing access (allows user access) to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (abstract, col. 10 line 34 thru col. 11 line 32).

Regarding claim 2, Kenagy et al. further disclose the method of claim 1, further comprising the step of receiving a password from said user before providing said token (abstract, col. 10 line 34 thru col. 11 line 32).

Regarding claim 3, Kenagy et al. further discloses the method of claim 1, wherein said token is a pseudo-random number (col. 10 line 34 thru col. 11 line 32).

Regarding claim 4, Kenagy et al. further discloses the method of claim 1, wherein said instructing step further comprises the step of instructing said user to dial an access control administrator to enter said token (abstract, col. 8 lines 37-63, and col. 10 line 34 thru col. 11 line 10).

Regarding claim 5, Kenagy et al. further discloses the method of claim 4, further comprising the step of providing said token to said access control administrator (abstract, col. 8 lines 37-63, and col. 10 line 34 thru col. 11 line 10).

Regarding claim 6, Kenagy et al. further discloses the method of claim 4, further comprising the step of providing a telephone number (mobile identification number) associated with said associated cellular telephone to said access control administrator (col. 2 line 25 thru col. 3 line 6).

Regarding claim 7, Kenagy et al. further discloses the method of claim 4, further comprising the step of providing an amount for approval to said access control administrator (col. 10 line 50 thru col. 11 line10).

Regarding claim 8, Kenagy et al. further discloses the method of claim 4, wherein said access control administrator compares said token received from said user to said provided token (abstract, col. 10 line 34 thru col. 11 line 10).

Regarding claim 9, Kenagy at al. further discloses the method of claim 4, wherein said access control administrator ensures (verify) that said token is received from a cellular telephone having a serial number previously associated with said user (abstract, col. 4 lines 11-35).

Regarding claim 10, Kenagy et al. further discloses the method of claim 1, wherein said instructing step further comprises the step of establishing a connection over a cellular network to said cellular telephone associated with said user and instructing said user to enter said token (fig. 1, col. 2 lines 25-55).

Regarding claim 11, Kenagy et al. discloses a method for restricting access (control access) of a user to a restricted item (col. 10 line 34 thru col. 11 line10), said method comprising the steps of:

a) providing a token (Pseudo-random number) to an access control administrator (abstract, col. 10 line 34 thru col. 11 line 32);

b) providing said token to said user using a first communication channel (when the user call the designated telephone number and the password supplied by the service provider is enter into the cellular telephone, which means the service provider is providing the token to user on the first communication channel) (abstract, col. 10 line 34 thru col. 11 line 32);

c) instructing said user to dial a telephone number associated with said access control administrator using a cellular telephone that has been previously associated with said user to enter said provided token (abstract, col. 10 line 34 thru col. 11 line 32); and

d) providing access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (abstract, col. 10 line 34 thru col. 11 line 32).

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 13, Kenagy et al. further discloses the method of claim 11, further comprising the step of providing a cellular telephone number that has been previously associated with said user to said access control administrator and wherein said access control administrator determines a cellular telephone number associated with a serial number of a cellular telephone from which said token was received and compares said provided cellular telephone number with said determined cellular

telephone number (col. 2 line 25 thru col. 3 line 6, col. 4 line 23 thru col. 5 line 13, col. 8 lines 37-63, and col. 11 line 34 thru col. 12 line 32).

Regarding claim 14, Kenagy et al further discloses the method of claim 11, further comprising the step of receiving an indication from said access control administrator indicating that said entered token matches said provided token and was received from a cellular telephone having a serial number previously associated with said user (col. 8 line 9-63).

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 17, Kenagy et al. discloses a method for restricting access (control access) of a user to a restricted item (col. 10 line 34 thru col. 11 line10), said method comprising the steps of:

a) providing a token (Pseudo-random number) to said user using a first communication channel (abstract, col. 10 line 34 thru col. 11 line 32);

b) establishing a connection over a cellular network to a cellular telephone associated with said user (col. 2 lines 25-63);

c) instructing said user to enter said provided token using said cellular connection (col. 3 line 63 thru col. 4 line 35); and

d) providing access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (abstract, col. 10 line 34 thru col. 11 line 32).

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 20, Kenagy et al. discloses a system for restricting access of a user to a restricted item (abstract), comprising:

a) a memory that stores computer-readable code (#110 fig. 2, col. 4 line 60 thru col. 6 line 55); and

b) a processor operatively coupled to said memory (#108 fig. 2), said processor configured to implement said computer-readable code (#108 fig. 2, col. 4 line 36 thru col. 6 line 55), said computer-readable code configured to:

- provide a token (Pseudo-random number) to said user using a first communication channel (fig. 4a-b, col. 8 lines 37-63);

- instruct said user to enter said provided token using a cellular telephone that has been previously associated with said user (fig. 4a-b, col. 3 line 9 thru col. 4 line 10); and

- provide access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (fig. 4a-b, col. 10 line 34 thru col. 11 line 32).

Regarding claim 21, Kenagy et al. discloses a system for restricting access (cell site controller) of a user to a restricted item (abstract, fig. 1), comprising:

a) a memory that stores computer-readable code (#110, fig. 2, col. 4 line 60 thru col. 6 line 55); and

b) a processor operatively coupled to said memory (#108 fig. 2), said processor configured to implement said computer-readable code (#108 fig. 2, col. 4 line 36 thru col. 6 line 55), said computer-readable code configured to:

- provide a token (Pseudo-random number) to an access control administrator (fig. 4a-b, col. 8 lines 37-63);

- provide said token to said user using a first communication channel (fig. 4a-b, col. 8 lines 37-63);

- instruct said user to dial a telephone number associated with said access control administrator using a cellular telephone that has been previously associated with said user to enter said provided token (fig. 4a-b, col. 3 line 9 thru col. 4 line 10); and

- provide access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (fig. 4a-b, col. 10 line 34 thru col. 11 line 32)..

Regarding claim 22, Kenagy et al. discloses a system for restricting access of a user to a restricted item (abstract, fig. 1), comprising:

a) a memory that stores computer-readable code (#110, fig. 2, col. 4 line 60 thru col. 6 line 55); and

b) a processor operatively coupled to said memory (#108 fig. 2), said processor configured to implement said computer-readable code (#108 fig. 2, col. 4 line 36 thru col. 6 line 55), said computer-readable code configured to:

- provide a token (Pseudo-random number) to said user using a first communication channel (fig. 4a-b, col. 8 lines 37-63);

- establish a connection over a cellular network to a cellular telephone associated with said user (fig. 1, col. 2 lines 25-55);

- instruct said user to enter said provided token using said cellular connection (fig. 4a-b, col. 3 line 46 thru col. 4 line 35); and

- provide access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (col. 4 lines 23-35, and col. 8 lines 37-63).

Regarding claim 23, Kenagy et al. discloses a system for restricting access of a user to a restricted item (abstract, fig. 1), comprising:

a) means for providing a token (Pseudo-random number) to said user using a first communication channel (col. 8 lines 37-63);

b) means for instructing said user to enter said provided token using a cellular telephone that has been previously associated with said user (col. 3 line 63 thru col. 4 line 10, and col. 9 lines 15-32); and

c) means for providing access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (col. 8 lines 37-63).

Regarding claim 24, Kenagy et al. discloses an article of manufacture for restricting access of a user to a restricted item (abstract, fig. 1), comprising:

- a computer readable medium having computer readable code means (fig. 2-3, col. 4 line 60 thru col. 5 line 13, and col. 8 line 37 thru col. 9 line 14) embodied thereon, said computer readable program code means comprising:

- a step to provide a token (Pseudo-random number) to said user using a first communication channel (fig. 4a-b, col. 8 lines 37-63);

- a step to instruct said user to enter said provided token using a cellular telephone that has been previously associated with said user (fig. 4a-b, col. 3 line 9 thru col. 4 line 10); and

- a step to provide access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial

number previously associated with said user (fig. 4.a-b, col. 10 line 34 thru col. 11 line 32).

Regarding claim 25, Kenagy et al. discloses an article of manufacture for restricting access (control access) of a user to a restricted item (abstract, fig. 1), comprising:

- a computer readable medium having computer readable code means (fig. 2-3, col. 4 line 60 thru col. 5 line 13, and col. 8 line 37 thru col. 9 line 14) embodied thereon, said computer readable program code means comprising:
- a step to provide a token (Pseudo-random number) to an access control administrator (fig. 4a-b, col. 8 lines 37-63);
- a step to provide said token to said user using a first communication channel (fig. 4a-b, col. 8 lines 37-63);
- a step to instruct said user to dial a telephone number associated with said access control administrator using a cellular telephone that has been previously associated with said user to enter said provided token (fig. 1, fig. 4a-b, col. 3 line 9 thru col. 4 line 35); and
- a step to provide access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial

number previously associated with said user (fig. 4.a-b, col. 8 lines 37-63, and col. 10 line 34 thru col. 11 line 32).

Regarding claim 26, Kenagy et al. discloses an article of manufacture for restricting access of a user to a restricted item (abstract, fig. 1), comprising:

- a computer readable medium having computer readable code means (fig. 2-3, col. 4 line 60 thru col. 5 line 13, and col. 8 line 37 thru col. 9 line 14) embodied thereon, said computer readable program code means comprising:
- a step to provide a token to said user using a first communication channel (fig. 4a-b, col. 8 lines 37-63);
- a step to establish a connection over a cellular network to a cellular telephone associated with said user (fig. 1, col. 2 lines 25-55);
- a step to instruct said user to enter said provided token using said cellular connection (fig. 4a-b, col. 3 line 46 thru col. 4 line 35); and
- a step to provide access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (col. 4 lines 23-35, and col. 8 lines 37-63).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosures.

1) The Holmes et al. reference (6,334,056) discloses a method Secure Gateway Processing for Handheld device (abstract, fig. 1) providing a token (ID) to said user using a first communication channel (fig.1); instructing said user to enter said provided token using a cellular telephone that has been previously associated with said user (fig. 4); and providing access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (fig. 4, col. 1 line 57 thru col. 2 line 59), receiving a password from said user before providing said token (fig. 4), instructing step further comprises the step of instructing said user to dial an access control administrator to enter said token (fig. 4), the step of providing said token to said access control administrator (fig. 4), the step of providing a telephone number associated with said associated cellular telephone to said access control administrator (col. 4 line 38 thru col. 5 line 52), the access control administrator compares (validate) said token received from said user to said provided token (fig. 4 col. 5 lines 3-26), the access control administrator ensures (validate) that said token is received from a cellular telephone having a serial number previously associated with said user (fig. 4, col. 5 lines 3-26), the instructing step further comprises the step of establishing a connection over a cellular network to said cellular telephone associated with said user and instructing said user to enter said token (fig. 4, col. 1 line 57 thru col. 2 line 56).

2) The Check, Jr. reference (4,310,720) discloses a portable access unit communicates with a computer access system (abstract): providing a token to said user using a first communication channel; instructing said user to enter said provided token using a cellular telephone that has been previously associated with said user; and providing access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user, receiving a password from said user before providing said token, token is a pseudo-random number, instructing step further comprises the step of instructing said user to dial an access control administrator to enter said token, the step of providing said token to said access control administrator, the step of providing a telephone number associated with said associated cellular telephone to said access control administrator, the step of providing an amount for approval to said access control administrator, the access control administrator compares said token received from said user to said provided token, the access control administrator ensures that said token is received from a cellular telephone having a serial number previously associated with said user, the instructing step further comprises the step of establishing a connection over a cellular network to said cellular telephone associated with said user and instructing said user to enter said token (fig. 1-3, col. 2 line 5 thru col. 6 line 32) .

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

703 308-9051, (for formal communication intended for entry)

Or:

(703) 305-9509 (for informal or draft communications, please label "PROPOSED" OR "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA. Sixth floor (Receptionist).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D Nguyen whose telephone number is (703) 605-1301. The examiner can normally be reached on 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph Nguyen

Nov. 26, 2003

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600